

Remarks

Applicant appreciates the careful examination given to the application as reflected in the Office Action mailed March 17, 2006. Reconsideration and favorable action in this application is respectfully requested.

Claims 1-6, 10-14, and 16 are pending in this application and stand rejected.

Claims 7-9, 15, 17-51 are withdrawn from consideration.

Claims 1-6, 12-14, and 16 have been amended.

§102(b) Rejection of Claims

The Office Action rejects claims 1, 2, 10, 12, and 16 under 35 U.S.C §102(b) as being anticipated by *Wallace* (U.S. Patent No. 5,676,063).

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulson*, 30 F.3d 1475, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 U.S.P.Q.2d 1655 (Fed. Cir. 1990).

Applicant has amended claims 1 and 12 to avoid the prior art. Specifically, the limitation of a set of appliance foot holes was added. Support for this amendment is found at page 5, lines 20-22 and page 9, lines 3-5 of the specification and in Figures 1, 2, 6, and 7. Since the patent to *Wallace* does not disclose appliance foot holes to accommodate feet on the appliance, *Wallace* cannot anticipate claims 1 and 12 under §102(b). Claim 12 as amended also adds the limitation of an overlapping set of flanges used to join the members of the pallet. Support for this amendment is found in Figure 7. Therefore claims 1 and 12 as amended are believed to be patentable over *Wallace*.

A similar amendment has been made to claim 16 elaborating on the placement of

appliance foot holes on the first and second support members. An amendment to claim 2 has further limited the claim from a substance to a plastic.

Since claims 2 and 10 depend from claim 1, it is submitted that they are also allowable.

Since applicant now believes claim 16 contains patentable subject matter and because claim 16 depends from claim 12, it is submitted that it is also allowable.

§103(a) Rejection of Claims

The Office Action rejects claims 3, 4, 11, 13 and 14 under 35 U.S.C §103(a) as being unpatentable over *Wallace*. The Office Action further rejects claim 5 under 35 U.S.C §103(a) as unpatentable over *Wallace* in view of *Woods* (U.S. Patent No. 6,352,039). The Office Action further rejects claim 6 under 35 U.S.C §103(a) as unpatentable over *Wallace* in view of *Woods* and further in view of *Gronnevik* (U.S. Patent No. 5,845,588).

Applicant has amended claims 3, 4, 13, and 14 to claim patentable subject matter. An amendment has been made to claims 3, 4, and 14 elaborating on the addition and placement of appliance foot holes on the first and second support members. Support for these amendments is found at page 5, lines 20-22 and page 9, lines 3-5 of the specification and in Figures 1, 2, 6, and 7. An amendment to claim 13 changed it to a structural limitation from a functional limitation.

Initially, claims 1 and 12 as amended are believed to be patentable subject matter. Since claims 3, 4, 5, 6, and 11 depend from claim 1, it is submitted that they are also allowable. Since claims 13 and 14 depend from claim 12, it is submitted that they are also allowable.

Further, none of the art of record discloses or suggests the limitation of counter sunk foot holes in the pallet to accommodate feet of the appliance and bring the bottom of the appliance flush against the surface of the pallet as recognized and claimed by Applicant. For

example, *Wallace* does not disclose nor suggest appliance foot holes nor would it have been obvious to one of ordinary skill in the art from this patent. As described in Column 3 lines 31-34 of the *Wallace* patent, the horizontal support surfaces of the sub-frames need to slide horizontally under the appliance in order to be removed instead of being fixed to the pallet during the manufacturing and transporting processes as described in the present application at page 5 lines 18-21. As described in Column 3 lines 10-19 of the *Wallace* patent, an objective of the invention is to remove the cushion bars (12, 14) by sliding them linearly out from under the appliance. An appliance foot seated in an appliance foot hole would generate the need to raise the appliance out of the foot holes before the pallet could be removed. This is contrary to the teaching of *Wallace*.

Woods does not disclose nor suggest appliance foot holes nor would it have been obvious to one of ordinary skill in the art from the disclosure. The pallet disclosed in *Woods* is designed to accept a wide range of payloads. Appliance foot holes would limit the flexibility for which the *Woods* pallet was designed. As discussed in Column 2 line 41 – Column 3 line 46, the *Woods* pallet is designed as a replacement for the wooden pallet and has many objectives, but none is for the specific use of appliances with feet or secured attachment of the device through foot holes and bolts or adhesives as taught and claimed by Applicant.

Gronnevik does not disclose or suggest the limitation of at least one appliance foot hole nor would it have been obvious to one of ordinary skill in the art from the disclosure. As described in Column 5 line 57 of the *Gronnevik* patent, the pallet disclosed is designed to have a smooth and even deck surface. Adding the limitation of appliance foot holes would be contrary to the teaching of a smooth even deck surface and actually reduce the uses of the *Gronnevik* pallet.

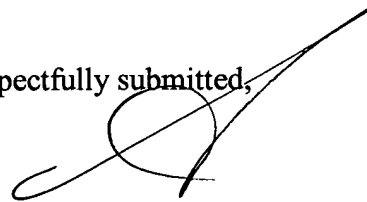
Conclusion

Claims 1-6, 12-14, and 16 have been amended to place them in condition for allowance and to distinguish them over the art of record.

In view of the above, it is submitted that claims 1-6, 10-14, and 16 are in condition for allowance. Favorable action is earnestly solicited. If a telephone call would speed any aspect of prosecution, it is invited.

Dated: September 18, 2006

Respectfully submitted,



George R. Schultz
Reg. No. 35,674
SCHULTZ & ASSOCIATES, P.C.
One Lincoln Centre
5400 LBJ Freeway, Suite 1200
Dallas, Texas 75240
(214) 210-5940 telephone
(214) 210-5941 facsimile